IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 10178 of 1998

Between:

The Divisional Manager, A.P.S.R.T.C.,
Cuddapah.

... PETITIONER

AND

1 State Transport Appellate Tribunal, rep.by it's Presiding Officer,
Andhra Pradesh, Hyderabad.
2 Regional Transport Authority , rep.by it's Secretary,
Cuddapah.
3 M.Gopala Swamy,. C/o. Smt.M.Vinobha Devi and

Smt.N.Pankaja, Hyderabad. Disd for default as per court order

dt.5.9.2001 as against R3.
4 The Principal Secretary, Government of Andhra Pradesh,
Transport (R&B) IV Department, Andhra Pradesh, Hyderabad.
5 The Transport Commissioner, Andhra Pradesh, Hyderabad.

...RESPONDENTS

(Dismissed for default as per Court Order dated 05-09-2001 as against R-3)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of a writ of certiorari, calling for the records relating to the impugned order dt.12.11.1997 made in A.P.No.869/96, State Transport Appellate Tribunal, Andhra Pradesh, Hyderabad, setting aside the order dt.23.9.96 made in item No.32 in R.No.8646/A2/95 of the Regional Transport Authority, Cuddapah as being hit by the provisions of the section 104, M.V.A.ct, 1988. It is further prayed to declare that Rule 258(2)(ii) of A.P.M.V.Rules, 1989 as ultravires M.V.Act, 1988 and against the law laid down by

Supreme Court and quash the same as being invalid.

Counsel for the Petitioner: MR.K.HARINATH

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

ORDER:

This writ petition is filed seeking Certiorari calling for the records relating to the impugned order dated 12-11-1997 made in A.P.No.868/96, State Transport Appellate Tribunal, A.P.Hyderabad, setting aside the order dated 23-09-1996 made in item No.8646/A2/95 of the Regional Transport Authority, Cuddapah as being hit by the provisions of the Section 104, M.V.Act, 1988.

2. It is represented by the learned Government Pleader that the issue involved in the writ petition is squarely covered by a Full Bench judgment of this Court in **A.P.S.R.T.C. and etc., Petitioners, V. State Transport Appellant Tribunal .**

Recording the said submission and following the ratio in the aforementioned judgment, the writ petition is dismissed. No costs. Office is directed to annex a copy of the aforementioned judgment to this order.

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N.V. RAMANA, J

March 10, 2005

MRR

Copy to:

1 The Presiding Officer, State Transport Appellate Tribunal, Andhra Pradesh, Hyderabad.
2 Regional Transport Authority , rep.by it's Secretary, Cuddapah.
3 The Principal Secretary, Government of Andhra Pradesh,

Transport (R&B) IV Department, Andhra Pradesh, Hyderabad.

4 The Transport Commissioner, Andhra Pradesh, Hyderabad.

5 Two C.C. s to the G.P. for Transport, High Court Buildings,

Hyderabad (OUT)

6 Two C.D. Copies.